



Online WIPO Mediation and Arbitration Workshop

December 2, 2020

December 3, 2020

December 4, 2020

organized by

WIPO Arbitration and Mediation Center

with support of

International Association for the Protection of Intellectual Property (AIPPI)

Licensing Executives Society International (LESI)

December 2, 2020

WIPO Mediation and Arbitration Workshop Day 1: WIPO Mediation

12:00 – 12:10 **I. Opening**
EST

Ignacio de Castro (*Director, IP Disputes and External Relations Division, WIPO Arbitration and Mediation Center*)

Adam Rattray (*Head, Information and External Relations Section, WIPO Arbitration and Mediation Center*)

12:10 – 12:25 **II. Overview: WIPO Arbitration and Mediation Center, including the WIPO Mediation Rules**
EST

Session Leader: Margarita Kato (*Legal Case Manager, IP Disputes Section, WIPO Arbitration and Mediation Center*)

1. Role of the WIPO Arbitration and Mediation Center
2. WIPO Mediation Rules and WIPO Mediators

12:25 – 13:10 **III. Intellectual Property and Technology Mediation: Conduct of a Mediation and the Role of the Different Actors**
EST

Session Leader: Russell E. Levine, P.C. (*Kirkland & Ellis, Chicago*)

1. Mediator's Role
2. Selection and Appointment of the Mediator
3. Mediation Statements
4. Mediation Stages – Joint Sessions, Individual Caucuses, Bargaining and Negotiating
5. Concluding a Mediation
 - i. Reaching an Agreement and recording it
 - ii. What to do when an Agreement is not reached

13:10 – 13:25 *Questions and Answers*
EST

13:25 – 13:35 **IV. Online Mediation: a flexible option**
EST

Session Leader: Adam Rattray (*Head, Information and External Relations Section, WIPO Arbitration and Mediation Center*)

1. Embrace by ADR stakeholders in 2020
2. Online case management tools
3. A “new normal”?

13:35 – 13:45 *Questions and Answers*
EST

13:45 – 13:50 *Closing*
EST

December 3, 2020

WIPO Mediation and Arbitration Workshop Day 2: WIPO Arbitration

12:00 – 12:10 **I. Opening**

EST

Adam Rattray (*Head, Information and External Relations Section, WIPO Arbitration and Mediation Center*)

1. WIPO Arbitration and Expedited Arbitration Rules and WIPO Arbitrators

12:10 – 12:40 **II. Intellectual Property and Technology Arbitration**

EST

Session Leader: Matthew Reed (*Wilson Sonsini, Palo Alto*)

1. Special Features of Intellectual Property Disputes, in Particular Patent Disputes
2. Benefits and Limitations of Arbitration in Intellectual Property Disputes as Compared to Court Litigation
3. Recent Developments in International Arbitration

12:40 – 12:50 *Questions and Answers*

EST

12:50 – 13:35 **III. The Conduct of WIPO Arbitration and Expedited Arbitration Proceedings**

EST

Session Leader: Rachael Kent (*Wilmer Hale, Washington, DC*)

1. Selection and Appointment of the Tribunal
2. Written Submissions
3. Interim Relief
4. Evidence and Intellectual Property
5. Hearings
6. Remedies, Awards, Enforcement

13:35 – 13:45 **IV. An Online Arbitration: Case Example and Considerations**

Session Leader: Shelby Grubbs (*Grubbs ADR, Atlanta*)

13:45 – 13:55 *Questions and Answers*

EST

13:55 – 14:00 *Closing*

EST

December 4, 2020

WIPO Mediation and Arbitration Workshop Day 3: Industry Perspective and Drafting of ADR Clauses

12:00 – 12:10 **I. Opening**

EST

Adam Rattray (Head, Information and External Relations Section, WIPO Arbitration and Mediation Center)

12:10 – 12:50 **II. Industry View: The Use of Mediation and Arbitration for IP and Technology Disputes**

EST

Session Leader: James Smith (*Chief IP Counsel, EcoLab, Saint Paul*)

12:50 – 13:00 *Questions and Answers*

EST

13:00 – 13:45 **III. Drafting Effective Mediation and Arbitration Clauses and Submission Agreements for IP and Technology Disputes**

EST

Session Leaders: Shelby Grubbs (*Grubbs ADR, Atlanta*), Christopher Campbell (*Senior Litigation Counsel, Baker Hughes Company, Florence, Italy*), and Margarita Kato (*Legal Case Manager, IP Disputes Section, WIPO Arbitration and Mediation Center*)

1. The Agreement to Arbitrate - what is:
 - i. Essential?
 - ii. Needed, but not essential?
 - iii. Not essential, but nice to have?
2. The View from Inside
3. WIPO Recommended Clauses and Submission Agreements; WIPO Clause Generator

13:45 – 13:55 *Questions and Answers*

EST

13:55 – 14:00 *Closing*

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